

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 30, 1998

DIVISION ONE

B100699 Stanley & Shirwo
v.
Lockheed, et al.

Petition for rehearing is denied by operation of law.

B101406 Wiley (Not for Publication)
v.
Patel

The order and judgment are affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

B113082 People (Not for Publication)
v.
Drakeford

We reverse and dismiss Drakeford's assault conviction. We remand the case for the trial court to prepare a new abstract of judgment deleting Drakeford's assault conviction and forward the amended abstract to the Department of Corrections. In all other respects, we affirm the judgment.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

March 30, 1998-Continued

DIVISION ONE (Continued)

B115543 People
v.
Brady

(Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

B113430 People (Not for Publication)
v.
Munoz

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B106764 People (Not for Publication)
v.
Featherstone

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B109254 Burr (Not for Publication)

v.

Paller & Company, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

B114677 People (Not for Publication)

v.

Perez

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B110549 People (Not for Publication)

v.

Howard

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

March 30, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The orders are affirmed.

Spencer, P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B106834 People (Not for Publication)
v.
Morehouse

The judgment is reversed and the cause remanded for a new trial.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B103118 Universal Shopping Plaza (Not for Publication)
v.
Focus Department Store, Inc.

The judgment is reversed, and the trial court is directed to set the matter for trial. Appellant is to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

March 30, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Dunn, J. (Assigned)

B117759 Los Angeles County, D.C.S. (Not for Publication)
v.
Milton P.

We dismiss the purported appeal.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B093690 Sauer (Not for Publication)
v.
Ultramar, Inc., et al.

The judgment is reversed. The matter is remanded for retrial. Each party is to bear his/its own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

DIVISION TWO

[illegible]

The Court:

The order of wardship is affirmed. The order committing appellant to the California Youth Authority for a period not to exceed 20 years and 4 months is modified to provide that the maximum confinement period may not exceed 22 years and 8 months, that count 1 is the principal term, consisting of the upper term of 5 years enhanced by 10 years for the firearm use, and enhanced by 1 additional year for the victim's age, for a total of 16 years on count 1, and that the terms for counts 2, 3, and 6 are concurrent with count 1. (The remaining consecutive terms are: (1) count 4 -- 1 year for robbery plus 1 year and 4 months for the firearm use; (2) count 5 -- 2 years for assault with a semiautomatic firearm; and (3) count 7 -- 1 year for robbery plus 1 year and 4 months for the firearm use.) The superior court is directed to send the California Youth Authority a certified copy of an amended dispositional order reflecting this modification.

Boren, P.J., Nott, J., Zebrowski, J.

B112324 Zurich Insurance Company (Not for Publication)
v.
Howland Company, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

March 30, 1998-Continued

DIVISION TWO (Continued)

B112322 People (Not for Publication)
v.
Scott

The trial court is directed to modify the abstract of judgment to reflect the specific finding that the aggravated assault (count 1) constituted a serious felony, within the meaning of Penal Code section 1192.7, subdivision (c)(23). In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

DIVISION THREE

B110223 People (Not for Publication)
v.
Eric Wayne Davis

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B105067 People (Not for Publication)
v.
Daniel Burton Hunnicutt

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

March 30, 1998-Continued

DIVISION THREE (Continued)

B107694 People (Not for Publication)

V.

Armando Torres Mendoza

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.

Aldrich, J.

B097099 Peter Ramirez (Certified for Partial Publication)

V.

Yosemite Water Company, Inc.

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.

Kitching, J.

B118683 Sandra O. and Gilbert G. (Not for Publication)

V.

Superior Court, Los Angeles County
(L.A. County DCFS, r.p.i.)

The Court:

The petitions are denied.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

DIVISION THREE (Continued)

B119020 Crystal R. (Not for Publication)

V.

Superior Court, Los Angeles County
(L.A. County DCFS, r.p.i.)

The Court:

The petition is denied.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

B118554 Linda B. (Not for Publication)

V.

Superior Court, Los Angeles County
(L.A. County DCFS, r.p.i.)

The Court:

The petition is denied.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

B118867 Barbara W. (Not for Publication)

V.

Superior Court, Los Angeles County
(L.A. County DCFS, r.p.i)

The Court:

The writ petition is denied.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

March 30, 1998-Continued

DIVISION THREE (Continued)

B111687 People (Not for Publication)

V.

Gregory Jackson

The abstract of judgment is amended to reflect a restitution fine of \$10,000. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B113345 People (Not for Publication)

V.

Joe Manuel Elizardo

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B113116 People (Not for Publication)

V.

David Lee Potter

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

March 30, 1998-Continued

DIVISION THREE (Continued)

B110828 People (Not for Publication)

V.

Michael Jamal Johnson

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B116436 Banner Entertainment, Inc.
v.
Superior Court, Los Angeles County
(Alchemy Filmworks, Inc., r.p.i.)

Filed order modifying opinion. (No change in the judgment.)

B101980 Bernard Paul Wiesen, et al.
v.
Bruin Insurance Services, Inc. et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

DIVISION FOUR

B109762 People (Not for Publication)

V.

Ramsey

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

DIVISION FOUR (Continued)

B092588 Wall (Certified for Publication)

v.
Siegel

The judgment is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion. Appellants to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Czuleger, J. (Assigned)

B113897 Martinez (Not for Publication)

v.
Pacific National Insurance Company

The judgment is affirmed. The award of costs is modified to delete the photocopying costs of \$244. Respondent to recover costs on this appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

B109624 Williams (Not for Publication)

v.
Shamberg

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Baron, J.
Czuleger, J. (Assigned)

March 30, 1998-Continued

DIVISION FIVE

B099815 Sidney Alpert (Not for Publication)
v.
Bruce Roberts

The judgment is reversed. Appellant to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Jackson , J. (Assigned)

B113652 Standun, Inc. (Certified for Publication)
v.
Fireman's Fund Insurance Co.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

B111651 People (Not for Publication)
v.
Anthony Brooks

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

March 30, 1998-Continued

DIVISION FIVE (Continued)

B110338 Helen Cuen (Not for Publication)

V.
Kindercare Learning Centers, Inc.

The judgment is affirmed. Parties to bear own costs.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B107499 Kimberley Ann Schulz (Not for Publication)

v.
Wayne Schulz

The sanctions order of July 29, 1996, is ordered reversed as to Elke Gordon Schardt. In the interest of justice, each party is to bear their own costs on appeal.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B117048 Farmers Rice Milling Company et al.

V.
Erly Industries, Inc. et al.

On the court's own motion appeal filed October 31, 1997, is dismissed.